

OFFICIAL FILE

ORIGINAL

ILLINOIS COMMERCE COMMISSION  
STATE OF ILLINOIS

COUNTY OF C O O K ) SS  
)

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for an on behalf  
of the People of the State of Illinois,

- Petitioner

vs.

COMMONWEALTH EDISON COMPANY, an  
Illinois Corporation, and UNKNOWN OWNERS,  
generally;

- Respondents

Petition for approval of the taking or damaging  
of certain properties owned by a public utility in  
Cook County, Illinois by exercising the right of  
eminent domain

Docket No. 07-0258

Parcel No. 0FR0050TE

Job. No. R-90-002-03

CHIEF CLERK'S OFFICE  
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ILLINOIS  
COMMERCE COMMISSION

**PETITION FOR APPROVAL TO TAKE PROPERTY**

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a  
Department of the State Government of Illinois, by Lisa M. Madigan, Attorney General of the State  
of Illinois, and Douglas G. Felder, Special Assistant Attorney General, under Section 30/10-5-10 of  
the Eminent Domain Act of Illinois, 735 ILCS 30/10-5-10 (formerly 735 ILCS 5/7-102), requests  
approval of the Illinois Commerce Commission for the taking and/or damaging of certain properties  
owned by COMMONWEALTH EDISON COMPANY, an Illinois Corporation (the "Utility"), a  
public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.1

1. Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, 2006), Petitioner is engaged in the improvement of Western Avenue from Illinois Street to Steger Road in Cook County.

2 Under the Illinois Highway Code, Western Avenue is a part of and included in the State Highway System.

3 Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, 2006) provides:

"The Department, or its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4 The improvement of Western Avenue is a public work and improvement project constituting a public purpose, namely the improvement of a public highway in Cook County.

5 The Utility is subject to the jurisdiction of the Commission.

6 The Utility is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real property is located at or adjacent to Western Avenue in Cook County and the Petitioner has deemed it necessary to improve Western Avenue in Cook County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7 Petitioner has been authorized to acquire a temporary easement for construction purposes in, over, upon and under Parcel No. 0FR0050TE, legally described as Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described improvement of Western

Avenue in Cook County for the use of the People of the State of Illinois.

8 The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the Utility, although Petitioner has attempted to effect such an agreement. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9 Section 30/10-5-10 of the Eminent Domain Act of Illinois, 735 ILCS 30/10-5-10 (formerly 735 ILCS 5/7-102), requires Petitioner to obtain approval of the Commission prior to the taking or damaging of the Utility's property described in Exhibits A and B.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the above described real property of the Utility by the exercise of the right of eminent domain.

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS,  
By: Lisa M. Madigan, Attorney General of Illinois  
By: Douglas G. Felder  
Douglas G. Felder  
Special Assistant Attorney General

STATE OF ILLINOIS     )  
                                      ) SS  
COUNTY OF COOK     )

I, Douglas G. Felder, being first duly sworn, upon oath, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, I have knowledge of the contents thereof, and that on information and belief said contents are true and correct.

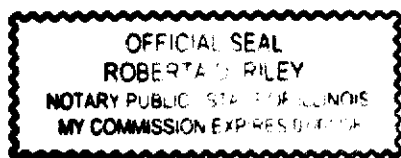
Douglas G. Felder  
Douglas G. Felder

SUBSCRIBED and SWORN  
to before me this 4<sup>th</sup> day of

April 2007

Robert A. Riley  
Notary Public

**AFFIDAVIT OF SERVICE**



I, Douglas G. Felder, being first duly sworn, on oath, states that he served the foregoing Petition upon the following addresses at their respective addresses set forth:

**VIA CERTIFIED MAIL AND U.S. MAIL**

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62708  
(original and three copies)

Commonwealth Edison Company  
Three Lincoln Centre  
Oakbrook Terrace, Illinois 60181-4260  
Attention: Craig Dixon, Sr. Real Estate Agent

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at Chicago, Illinois, before 5:00 p.m. on the 4<sup>th</sup> day of April 2007.

Douglas G. Felder

SUBSCRIBED and SWORN to  
before me this 4<sup>th</sup> day of

April 2007

Roberta D. Riley  
Notary Public

